



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



October 4, 1999

**Certified Mail
Return Receipt Requested**

**Letter of Deficiency
No. WMD 99-23**

Kevin Curran
P.O. Box 806
Hollis, NH 03049

Re: SWC 98-063, Red Gate Lane and East Outlet Road, Amherst, NH

Dear Mr. Curran:

On December 28, 1998, June 30, 1999, and September 22, 1999, personnel from the Department of Environmental Services, Waste Management Division (DES) conducted inspections of the above referenced property located at Red Gate Lane and East Outlet Road, Amherst, NH (Site).

The purpose of the inspections was to determine your compliance status relative to RSA 149-M and its implementing regulations, New Hampshire's Solid Waste Rules (Env-Wm 100-300 and 2100-3700).

During the inspections, DES personnel observed or learned the following:

1. Approximately 40 cubic yards of solid waste consisting of white goods, automobiles, construction and demolition debris, furniture, metal, tires, an empty 275-gallon tank, carpeting, empty 55-gallon drums, empty 5-gallon pails, and vehicle parts existed on the Site.

This letter serves to inform you that the above referenced Site conditions constitute violations of RSA 149-M and its implementing regulations, specifically:

RSA 149-M:9, Operating an unpermitted solid waste facility.

DES believes that the cited deficiencies can be corrected by completing the following requested remedial actions within the time indicated:

Immediately cease operating an unpermitted solid waste facility.

2. **Within 60 days** remove all solid waste located at the Site to a permitted solid waste facility.

3. **Within 65 days** submit to DES written confirmation that these steps have been completed, including copies of all disposal receipts for the solid waste, at the address below.

In the event compliance is not achieved within the time period indicated above, DES may initiate formal enforcement action against you including issuing an order requiring the deficiencies to be corrected, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil or criminal penalties. Please be advised that DES reserves the right to pursue administrative penalties for the violation noted above.

Please address all correspondence and reports regarding this matter to:

DES, WMD
6 Hazen Drive
Concord, New Hampshire 03301-6507

Attention: Kenneth W. Marschner

A goal of DES is to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. DES strives to ensure that pollution prevention options are considered first, followed by recycling, treatment and lastly, disposal. If you have any questions about pollution prevention, please contact Ms. Stephanie D'Agostino at 271-6398.

Your prompt cooperation is appreciated. Please contact Cheryl McGary at (603) 271-3899 if you have any questions or need further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth W. Marschner", is written over a large, bold, black "COPY" stamp.

Kenneth W. Marschner
Administrator
Waste Management Programs

CC: DB/Town/File
Philip J. O'Brien, Ph.D., Director, WMD
Gretchen Rule, Enforcement Coordinator, DES
Town Clerk, Amherst, NH
S. D'Agostino, DES

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